IN THE CLAIMS

Please amend the claims as follows:

1. (Currently Amended)   A method of encoding an audio signal by representing at least part of said audio signal by a plurality of sinusoids, the method comprising the steps of:

[[-]]   performing an analysis on a first segment of said audio signal;

[[-]]   selecting candidate sinusoids based on said analysis;

[[-]]   defining for at least one of the candidate sinusoids a local frequency band around ~~a frequency of~~ said ~~at least one~~ candidate ~~sinusoid's frequency~~sinusoid;

[[-]]   combining amplitudes of frequency components within said local frequency band from which at least one of the candidate sinusoids within said local frequency band is excluded; and

[[-]]   selecting said candidate sinusoid as a selected sinusoid in dependence on the combination of amplitudes.

2. (Currently Amended)   ~~A~~ The method as claimed in claim 1, wherein a bandwidth of said local frequency band around the frequency of said at least one candidate ~~sinusoid's frequency~~sinusoid is defined in dependence on the frequency of said at least one candidate ~~sinusoid's frequency~~sinusoid.

3. (Currently Amended)   ~~A~~ The method as claimed in claim 2, wherein said dependence on the frequency of said at least one

candidate ~~sinusoid's frequency~~<u>sinusoid</u> is based on a human's perception of audio.

4. (Currently Amended)   ~~A~~ <u>The</u> method as claimed in claim 1, wherein said candidate sinusoid is selected as a selected sinusoid when ~~its~~ <u>an</u> amplitude<u> of said candidate sinusoid</u> is significant with regard to said combination of amplitudes, ~~which~~ <u>said</u> significance ~~is~~ <u>being</u> evaluated by thresholding a difference between<u> the amplitude of</u> said candidate ~~sinusoid's amplitude~~<u>sinusoid</u> and a weighted mean amplitude of frequency components within<u> the local frequency band of</u> said candidate ~~sinusoid's local frequency band~~<u>sinusoid</u> from which at least one of the candidate sinusoids within said local frequency band is excluded.

5. (Currently Amended)   ~~A~~ <u>The</u> method as claimed in claim 1, wherein said candidate sinusoid is selected as a selected sinusoid when ~~its~~ <u>an</u> amplitude<u> of said candidate sinusoid</u> is significant with regard to said combination of amplitudes, ~~which~~ <u>said</u> significance ~~is~~ <u>being</u> evaluated by thresholding a ratio of:

[[-]]   a difference between<u> the amplitude of</u> said candidate ~~sinusoid's amplitude~~<u>sinusoid</u> and a weighted mean amplitude of frequency components within<u> the local frequency band of</u> said candidate ~~sinusoid's local frequency band~~<u>sinusoid</u> from which at least one of the candidate sinusoids within said local frequency band is excluded; and

[[-]]   a weighted deviation of the amplitudes of frequency
components within said local frequency band from which at least one
of the candidate sinusoids within said local frequency band is
excluded.

6. (Currently Amended)   A~~The~~ method as claimed in claim 1,
wherein the method further comprises a further selection out of the
selected sinusoids which comprises the steps of:

[[-]]   determining for at least one of the selected sinusoids a
phase consistency defined by an extent to which a phase of said
selected sinusoid at a certain moment in time can be predicted from
a phase of said selected sinusoid determined at another moment in
time; and

[[-]]   further selecting said selected sinusoid as a further
selected sinusoid when its phase consistency is above a
predetermined threshold.

7. (Currently Amended)   A~~The~~ method as claimed in claim 6,
wherein the determination of the phase consistency of said selected
~~sinusoid's phase consistency~~sinusoid comprises the steps of:

[[-]]   segmenting a third segment of said audio signal into at
least a first and a second part;

[[-]]   determining the actual phases of said selected sinusoid in
at least the first and the second part;

[[-]]   using the actual phase in the first part to serve as the
input for predicting the actual phase in the second part; and

10   [[-]]   determining ~~the phase consistency of~~ said selected

~~sinusoid's phase consistency~~sinusoid based on a prediction error

between the actual phase and the predicted phase in the second

part.

8. (Currently Amended)   An audio encoder for encoding an audio

signal by representing at least part of said audio signal by a

plurality of sinusoids, the audio encoder comprising:

  [[-]]   means for performing an analysis on a first segment of

5 said audio signal;

  [[-]]   means for selecting candidate sinusoids based on said

analysis;

  [[-]]   means for defining for at least one of the candidate

sinusoids a local frequency band around a frequency of said at

10 least one candidate ~~sinusoid's frequency~~sinusoid;

  [[-]]   means for combining amplitudes of frequency components

within said local frequency band from which at least one of the

candidate sinusoids within said local frequency band is excluded;

and

15 [[-]]   means for selecting said candidate sinusoid as a selected

sinusoid in dependence on the combination of amplitudes.

9. (Currently Amended)   ~~An~~ The audio encoder as claimed in

claim 8, wherein the audio encoder is ~~further conceived~~adapted to

perform a further selection out of the selected sinusoids ~~for which~~

~~further selection~~, the audio encoder further ~~comprises~~comprising:

5   [[-]]   means for determining, for at least one of the selected
     sinusoids, a phase consistency defined by an extent to which a
     phase of said selected sinusoid at a certain moment in time can be
     predicted from a phase of said selected sinusoid determined at
     another moment in time; and

10   [[-]]   means for further selecting said selected sinusoid as a
     further selected sinusoid when ~~its~~ the phase consistency of said
     selected sinusoid is above a predetermined threshold.

     10.   (Currently Amended)   ~~Audio~~ An audio system comprising:
     _____means for obtaining an audio signal~~,~~;
     _____an audio encoder as claimed in claim 8 for encoding said
     audio signal to obtain an encoded audio signal~~,~~; and

5   _____a formatting unit for formatting the encoded audio signal
     into a format suitable for storage and/or transmission.